

Decision 02-11-013 November 7, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the City of Riverside for the construction of the grade separation at the Jurupa Avenue under the Union Pacific Railroad Company's mainline and closure of Mountain View Avenue located in the City of Riverside, Riverside County.

Application 02-05-043
(Filed May 16, 2002)

O P I N I O N

Summary

City of Riverside (City) requests authority to construct an underpass grade separation at the Jurupa Avenue (PUC ID No. 3-53.1) under the Union Pacific Railroad Company's (UP) main line tracks and close Mountain View Avenue in the City of Riverside, Riverside County.

Discussion

The construction of an underpass on Jurupa Avenue is needed to improve safety, eliminate substantial vehicular delays and improve emergency access for vehicles. The underpass will consist of two lanes in each direction with walkways on both sides of the roadway. Jurupa Avenue provides access for approximately 12,000 daily commuters traveling from large residential and industrial areas to SR 91 and other major facilities. The underpass will eliminate approximately 1.5 hours of daily delay.

Mountain View Avenue is a local street carrying approximately 2200 daily vehicles. Significant potential for rail vehicle accidents exists at this location due

to highly skewed crossing, limited sight distance over the tracks and proximity of two driveways and one street intersection within 200 feet of the crossing.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000 et seq. The City's Planning Department prepared a Draft Mitigated Negative Declaration (MND). A Riverside City Planning Department hearing was held on February 21, 2002 to review the proposed project and Draft MND, and to provide an opportunity for public testimony. During the hearing, the City Planning Department found that the proposed project could have a significant effect on the environment and recommended that mitigation measures be added to the project. The mitigation measures consist of construction plans and landscape plans approved by other agencies such as Southern California Air Quality Management District (SCAQMD), Federal Highway Administration (FHWA), California Department of Transportation (Caltrans) and UP. A Final MND was prepared and on March 19, 2002, a Notice of Determination was approved which adopted the final MND and its mitigation measures.

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider that portion of the environmental consequences of a project within its area of expertise that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050 (b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

The Commission has reviewed the City's environmental documents. The environmental analysis included an evaluation of potential impacts related to

geotechnical hazards, flood hazards, noise, air quality, biology, visual, traffic, sewage disposal and solid waste disposal. Safety and security, transportation and noise are within the scope of the Commission's permitting process.

No potential environmental impacts were identified in the environmental documents related to safety and security. Noise impacts were identified relative to certain housing units, and general noise impacts associated with temporary construction activity. Mitigation measures including the use of upgraded second-story windows and construction materials, the construction of sound walls, and construction procedures were adopted to reduce the noise impacts to acceptable level standards and to less-than-significant levels.

Traffic and access impacts were identified at Jurapa Avenue, Mountain View Avenue, Grand Avenue, Florence Street, William Street and Sheppard Street in conjunction with the construction of underpass of Jurapa Avenue and the termination of Mountain View Avenue. Under the mitigation and monitoring program, implementing the various adopted mitigation measures is the responsibility of the City, Caltrans, and the Riverside County Regional Park and Open Space District.

We find that the City prepared adequate environmental documents for our decision-making purposes. We also find that the City adopted feasible mitigation measures to eliminate or substantially lessen the above-identified environmental impacts to less-than-significant levels. The Jurapa grade separation is one of the mitigation measures for the City that will (1) eliminate auto/train and pedestrian/train conflicts, (2) reduce emissions at crossing because vehicles will not have to wait for trains to pass, (3) enhance traffic circulation pattern, and (4) enhance traffic capacity and emergency vehicle access.

The Commission's Consumer Protection and Safety Division — Rail Crossings Engineering Section staff, has inspected the site of the project. Staff examined the need for and the safety of the proposed overhead grade crossings and related railroad construction and recommends that the application be approved.

The application was found to be in compliance under the Commission's filing requirements, including Rule 38 of the Rules of Practice and Procedure, which relates to the construction of a public road, highway, or street across a railroad. A site map of the grade crossings is as shown on plans attached to the application and Appendix A.

In Resolution ALJ 176-3089, dated June 7, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no hearings were held, this preliminary determination remains accurate. The Commission's Consumer Protection and Safety Division recommends that this application should be granted. Given these developments, public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176 -3089.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission Daily Calendar on May 29, 2002. No protests have been received. A public hearing is not necessary.

2. City requests authority, under Public Utilities Code Sections 1201-1205, to construct the Jurapa Avenue Underpass grade separation bridge structure under UP's main line tracks and to close Mountain View Avenue crossing in the City of Riverside, Riverside County.

3. The Jurapa Avenue Underpass grade separation and closure of Mountain View Avenue crossing will serve public need by providing a safe access route under the railroad tracks.

4. Public convenience, necessity and safety require the construction of Jurapa Avenue Underpass grade separation and closure of Mountain View Avenue crossing.

5. City is the lead agency for this project under CEQA, as amended.

6. City prepared a Mitigated Negative Declaration for the proposed project and adopted mitigation measures to eliminate or substantially reduce environmental impacts to less than significant levels. On March 19, 2002, a Notice of Determination was approved adopting the Mitigated Negative Declaration and its mitigated measures.

7. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Mitigated Negative Declaration and Notice of Determination.

8. The lead agency environmental documents identified no environmental impacts related to safety and security.

9. The Jurapa grade separation project is itself one of the mitigation measures for the City that will (a) eliminate auto/train and pedestrian/train conflicts, (b) reduce emissions at crossing because vehicles will not have to wait for trains to pass, (c) enhance traffic circulation pattern, and (d) enhance traffic capacity and emergency vehicle access.

Conclusions of Law

1. This order should be effective immediately as City wishes to commence construction of the project at the earliest possible date to avoid construction during the rainy season.

2. We find that the City's environmental documents are adequate for our decision-making purposes.

3. With respect to noise and traffic impacts resulting from the project, we find that the lead agency adopted feasible mitigation measures to reduce the impacts to less-than-significant levels.

4. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. City of Riverside (City) is authorized to construct Jurapa Avenue Underpass grade separation, identified as Crossing No. 3-53.1 under the main line tracks of Union Pacific Railroad Company (UP).

2. Clearances shall be in accordance with General Order (G.O.) 26-D.

3. Walkways shall conform to G.O. 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

4. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between parties. A copy of the agreement, together with plans of the project approved by UP, shall be filed with the Commission by City prior to construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

5. Within 30 days after completion of the work under this order, City shall notify the Staff of CPSD in writing, by submitting a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations), that the authorized work was completed.

6. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require. The application is granted as set forth above.

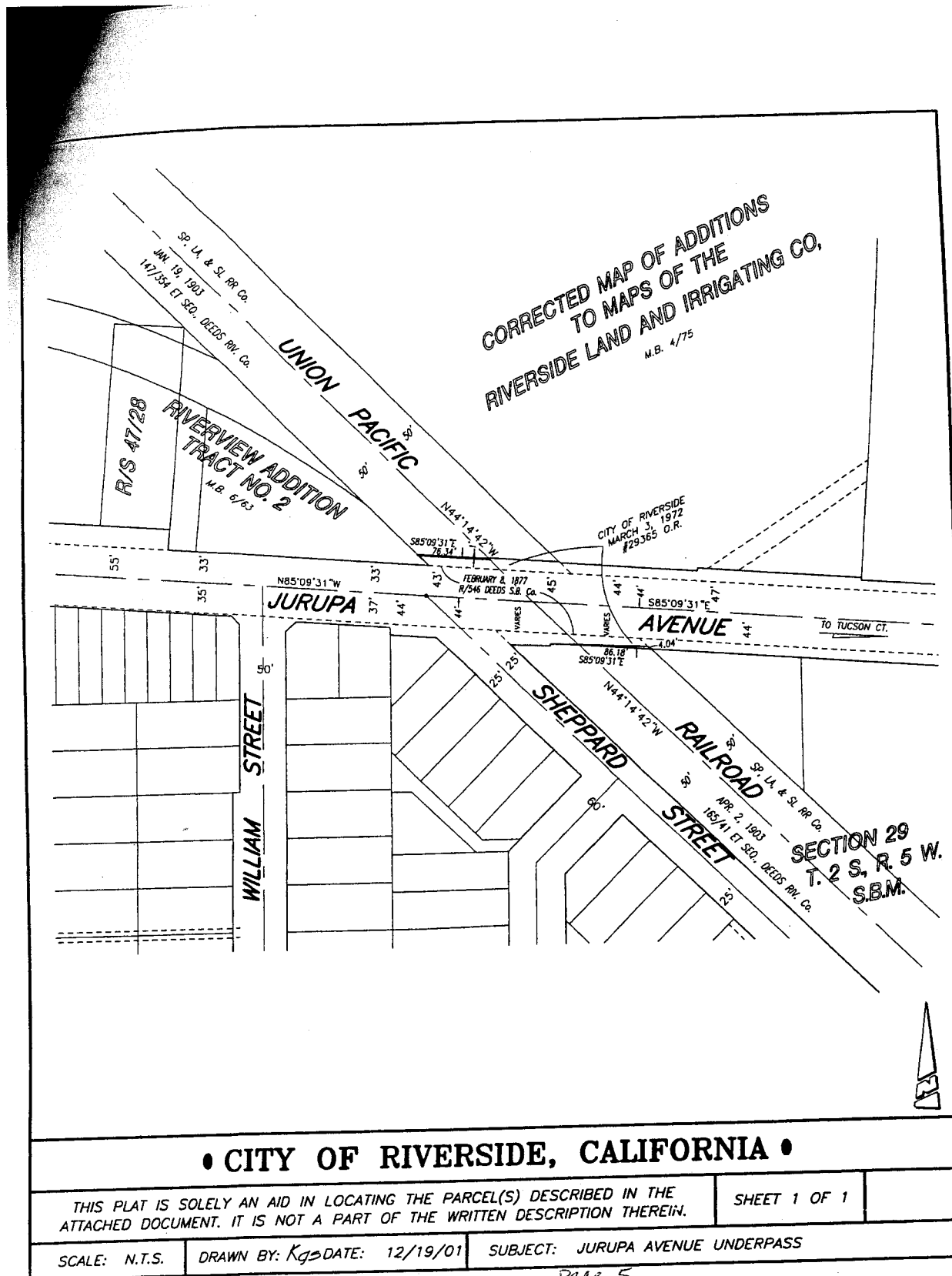
7. Application 02-05-043 is closed.

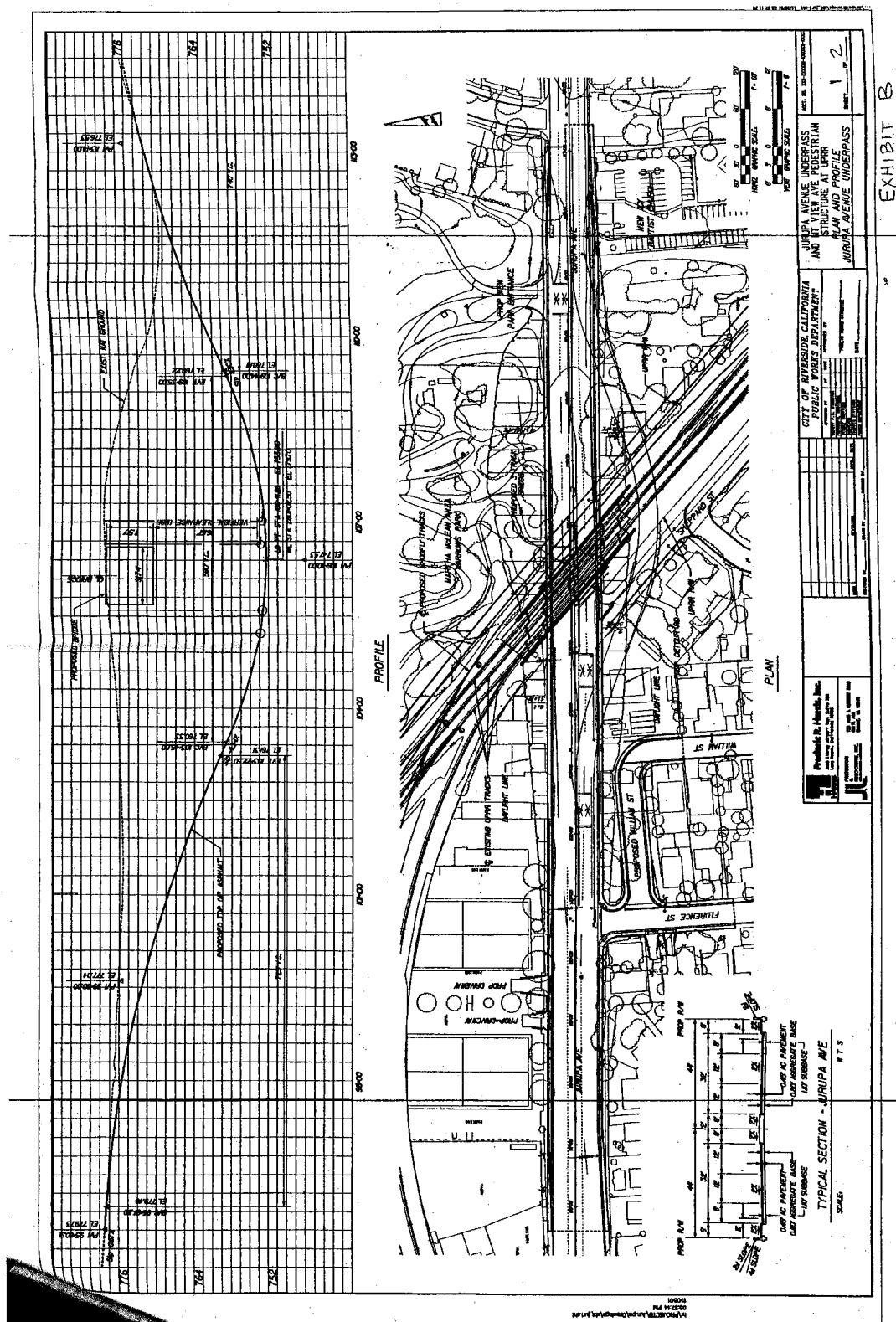
This order is effective today.

Dated November 7, 2002, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
CARL W. WOOD
GEOFFREY F. BROWN
MICHAEL R. PEEVEY
Commissioners

APPENDIX A





(End of Appendix A)